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*Attorney for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KASHYAP P. PATEL *et al.*,

Plaintiffs,

v.

JIM STEWARTSON,

Defendant.

**Case No.: 2:23-cv-873-APG-NJK**

**MOTION FOR EXTENSION  
OF TIME TO SERVE AND  
FOR ALTERNATIVE SERVICE**

COME NOW, Plaintiffs, KASHYAP PATEL ET AL, by and through the undersigned Counsel of Record, SIGAL CHATTAH, ESQ. of CHATTAH LAW GROUP and submits the foregoing MOTION FOR EXTENSION OF TIME TO SERVE AND FOR ALTERNATIVE SERVICE under FRCP 4(m) and LR 7-2:

Plaintiffs' Motion is based upon the pleadings and papers on file herein, the Exhibits attached and Declarations filed concurrently herewith, and the following points and authorities.

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## MEMORANDUM OF POINTS AND AUTHORITIES

### INTRODUCTION

The matter sub judice involves an action for defamation and business disparagement filed by Plaintiffs for various actions by Defendant.

Defendant is aware of this lawsuit and is evading service. Defendant openly tweets about the matter sub judice and lodges personal attacks on undersigned Counsel on social media platform X (f/k/a Twitter) using his handle @jimstewartson; Jim Stewartson, Anti-disinfo activist.<sup>1</sup>

### PROCEDURAL POSTURE

Plaintiffs filed this action on June 5, 2023. The very next day, June 6, 2023, Defendant tweeted his knowledge of the lawsuit, saying, “Kash Patel just joined his co-conspirator Ret. Lt. @GenFlynn in suing me – for \$10,000,000.” Since then, Defendant has tweeted about this lawsuit no fewer than 39 times, including screenshots of the pleadings and fundraising requests from his 98,000 followers to contribute to his GoFundMe legal defense page.

Plaintiffs have attempted to serve Defendant at numerous alternate addresses in addition to his known residence.<sup>2</sup> Defendant continues to evade service of process and has instead made receipt of this lawsuit more onerous and expensive on Plaintiffs, and therefore good cause exists to extend the time for service of process against Defendant and for alternative means of service. While service attempts at his home address have been unsuccessful, with claims that Defendant no longer lives there, video evidence indicates that he does in fact still live at the same address.<sup>3</sup> Moreover, Defendant has repeatedly referenced this lawsuit on X (formerly known as Twitter), even posting screenshots of pleadings. Because Plaintiffs have made diligent efforts to serve Defendant through traditional means, and because Defendant is evading service and is actually aware of the lawsuit, we request a 60-day extension pursuant to Fed. R. Civ. P. 4(m), and for

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<sup>1</sup> See June 6, 2023 posts attached hereto as *Exhibit “1”*

<sup>2</sup> See ECF 14 and ECF 15, Notices of Attempted Service of Process

<sup>3</sup> See photos attached hereto as *Exhibit “2”*

1 permission to serve him through alternative means, such as by certified mail to his home address  
 2 and concurrently via email at all of his email accounts verified as follows:

3 xm@stewartson.com  
 4 j.stewartson@stewartson.com  
 5 j.stewartson@fourthwallstudios.com  
 6 jim@stewartson.com  
 7 astewartson@geocities.com

8 It is abundantly clear that Defendant's insolent behavior is an effort to force Plaintiffs to  
 9 expend unnecessary resources and monetary waste in the simple task of accepting this lawsuit  
 10 that Defendant has already acknowledged and attempted to litigate on social media.

### 11 ARGUMENT

12 Fed. R. Civ. P. 4(m) entitled *TIME LIMIT FOR SERVICE* "[I]f a defendant is not served  
 13 within 90 days after the complaint is filed, the court—on motion or on its own after notice to the  
 14 plaintiff—must dismiss the action without prejudice against that defendant or order that service  
 15 be made within a specified time. But if the plaintiff shows good cause for the failure, the court  
 16 must extend the time for service for an appropriate period.

#### 17 **A. DEFENDANT IS EVADING SERVICE OF PROCESS- THEREFORE 18 GOOD CAUSE EXISTS TO EXTEND TIME FOR SERVICE OF 19 PROCESS**

20 Absent good cause, courts have discretion "to extend the time for service or to dismiss  
 21 the action without prejudice." *In re Sheehan*, 253 F.3d at 513. The Ninth Circuit has not set forth  
 22 specific factors to consider in making discretionary determinations under Rule 4(m). *Id.*  
 23 However, the Ninth Circuit has noted that "a district court may consider factors like a statute of  
 24 limitations bar, prejudice to the defendant, actual notice of a lawsuit, and eventual service." *Efaw*  
 25 *v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (internal quotation marks omitted). An  
 extension of time for service may be retroactive. *Wright v. City of Santa Cruz*, 2014 WL  
 3058470, at \*7 (N.D. Cal. July 3, 2014).

Plaintiffs filed this action on June 5, 2023. The very next day, June 6, 2023, Defendant  
 tweeted, "Kash Patel just joined his co-conspirator Ret. Lt. @GenFlynn in suing me – for

1 \$10,000,000.” Since then, Defendant has tweeted about this lawsuit no fewer than 39 times,  
 2 including screenshots of the pleadings and fundraising requests from his 98,000 followers to  
 3 contribute to his GoFundMe legal defense page. Some examples of Defendant’s tweets are  
 4 attached hereto as *Exhibit 1*.

5 Plaintiff’s last known address is 1526 Steinhart Avenue, Redondo Beach, California,  
 6 where he was successfully served with another defamation lawsuit on May 8, 2023. *See Flynn v.*  
 7 *Stewartson*, Case No. 2023 CA 004264 NC (Cir. Ct. Sarasota Cnty, Fla. 2023), Affidavits of  
 8 Service, attached hereto as *Exhibit 3*.<sup>4</sup> Indeed, on May 1, 2023, Defendant received a letter at this  
 9 address, demanding his retraction of alleged defamatory statements, and Defendant posted a  
 10 video of himself burning the letter.<sup>5</sup>

11 On June 19, 2023, only a few weeks later, Plaintiffs in this case attempted service of the  
 12 Complaint at Defendant’s address of 1526 Steinhart Avenue, but was returned as unexecuted  
 13 because someone at Defendant’s address told the process server that Defendant had moved.  
 14 [ECF No. 14]. Plaintiffs have reason to believe that this was a misrepresentation, and that  
 Defendant does, in fact, still reside at this address.

15 First, according to skip trace records, as of September 14, 2023, Plaintiff’s address is still  
 16 1526 Steinhart Avenue, and there is no indication of a change of address. Second, Plaintiff is  
 17 self-employed, works from his home, and regularly appears on video podcasts and uploads video  
 18 of himself to his blog from his home. It is apparent from these videos that he is broadcasting  
 19 from the same living room prior to May 8, 2023—when he indisputably lived at 1526 Steinhart  
 20

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21  
 22 <sup>4</sup> It is noteworthy that Mr. Stewartson appears to have attempted to evade service in the  
 23 *Flynn v. Stewartson* case as well. After he was successfully served on May 8, 2023, he stopped  
 24 answering the door for the same process server who attempted to personally serve him with other  
 documents on May 11 and May 12. The process server noted that he could hear and see people  
 inside the residence, but they would not come to the door. Ex. 2, p.2.

25 <sup>5</sup> Jim Stewartson (@jimstewartson), TWITTER (May 1, 2023, at 12:40 p.m.),  
<https://twitter.com/jimstewartson/status/1653077045814128640>.

1 Avenue<sup>6</sup>—and after June 19, 2023—after he had supposedly moved.<sup>7</sup> Comparative screen  
2 captures of Defendant from before and after are attached hereto as *Exhibit 2*.

3 Plaintiffs have acted diligently to serve Defendant with this lawsuit. In addition to  
4 multiple attempts at personal service, Plaintiffs have requested a waiver of service, by mailing a  
5 notice of lawsuit and request for waiver, along with a copy of the Complaint and Summons,  
6 which was sent by Certified Mail and was successfully delivered to Defendant’s home address to  
7 an individual on August 24, 2023. A copy of the waiver request and USPS tracking information  
8 are attached hereto as *Exhibit 4*.

9 Plaintiffs received no response within the deadline, and even emailed the request for  
10 waiver to Defendant’s attorneys in the *Flynn v. Stewartson* case, asking them if they could get  
11 authority from their client to accept service of the Complaint. That request has been rejected.  
12 While Plaintiff is permitted to stand on formalities, he is not permitted to do so while dishonestly  
13 evading the formal process. *See* Email attached hereto as *Exhibit 5*.

14 Setting aside the evidence that Defendant is intentionally evading service, he is fully  
15 aware of this lawsuit, as evidenced by his tweets. In one such tweet, Defendant screenshots  
16 another user’s tweet, which includes a link to a PDF copy of the Complaint in this action,  
17 showing that Defendant had access to the Complaint as early as June 6, 2023. *Ex. 1*, p. 2. In  
18 another tweet, Defendant claims that he “found out about Kash Patel’s \$10 million lawsuit in  
19 advance.” *Ex. 1*, p. 3. On June 15, 2023, Defendant sarcastically tweeted that “Kash Patel is  
20 attempting to sue me in Nevada . . . It’s not going very well so far. Hard to imagine why” and  
21

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22 <sup>6</sup> *E.g.*, Jim Stewartson, *Message for Yoel, Remi and Elon*, VIMEO (Nov. 1, 2022),  
23 <https://vimeo.com/766223403>; Radicalized: The Truth Survives Podcast, *Cyberwar Inoculation*  
24 *with Special Guest Jackie Singh*, YOUTUBE, 1:48 (Apr. 6, 2023),  
25 <https://www.youtube.com/watch?v=lfel10CiO88>.

<sup>7</sup> *E.g.*, Radicalized: The Truth Survives Podcast, *The World’s on Fire with Wesley Clark, Jr.*,  
YOUTUBE, 3:58 (Aug. 7, 2023), <https://www.youtube.com/watch?v=zMr3ZORqNz8>; Philip  
Ittner, *Ukraine Interview: Jim Stewartson*, YOUTUBE, 6:35 (Jul. 3, 2023),  
<https://www.youtube.com/watch?v=iNV-ue2Rh-0>.

1 included a copy of this Court's order of June 14, 2023, Dkt. No. 12. Ex. 1, p. 4. Defendant is  
2 obviously keeping close tabs on this case and has access to the docket.

3 At the very least, the Court should grant a 90-day extension for accomplishing service on  
4 the Defendant—which at this point would be at Defendant's expense—as Plaintiffs have shown  
5 good cause for an extension. Given Defendant's active evasion of service, this Court should also  
6 permit Plaintiffs to serve Defendant via alternative means, such as delivery of the Complaint and  
7 Summons by Certified Mail—which has already been accomplished—or allow service  
8 through email.

### 9 CONCLUSION

10 WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Court  
11 enter an order extending the deadline to serve Defendant with the Complaint by 90-days and to  
12 allow service by alternative means, such as Certified Mail to Defendant's home address and  
13 electronically through the email addresses listed above.

14 Dated: September 28, 2023

Respectfully submitted,

15 /s/ Sigal Chattah

16 Sigal Chattah, NV Bar No. 8264

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20 Jason C. Greaves

(*pro hac vice* application forthcoming)

21 Jared J. Roberts

(*pro hac vice* application forthcoming)

22 BINNALL LAW GROUP, PLLC

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23 Phone: (703) 888-1943

24 Fax: (703) 888-1930

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jared@binnall.com

25 *Counsel for Plaintiffs*

# EXHIBIT 1





← Post

Q Search

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Post

**Jim Stewartson, Anti-disinfo activist** ... @jimstewartson · Jun 9 ...  
OK, I can't emphasize this enough.

This Kremlin shitwit with a "K\$H" pin spewing incomprehensible, ahistoric, counterfactual non sequiturs on Epoch Times — being promoted by QAnon digital soldier "TheStormHasArrived" — is suing me for \$10 million for calling him a "chud."

**TheStormHasArrived** @TheStormRedux · Jun 9

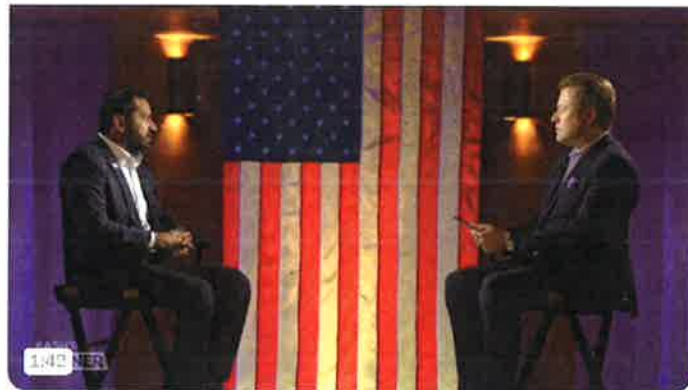
Kash Patel discusses the DJT indictment.

He explains why President Trump is covered under the Presidential Records Act & the fact that the Espionage Act does not supersede the Presidential Records Act.

Basically the whole indictment is bogus.

#StandWithTrump

@KashsCorner



29 55 205 14K

**Devin Nunes' Lawsuits** @LawsuitsDevin · Jun 11  
Jim. This is my wheelhouse.

I'm going to guess that the attorney is Steven Biss of Charlottesville, VA and the lawsuit itself is basically a tantrum with a filing fee attached. This is sane Attorney #DevinNunesIsAnIdiot uses for his garbage suits too.

He doesn't expect... /1

1 2 89

**Devin Nunes' Lawsuits** @LawsuitsDevin · Jun 11  
...to win this lawsuit. A defamation suit can't prevail over you calling him chud; that's your opinion; that's a dismissal

But he knows that. The real goal:

Intimidation  
Retaliation  
Publicity  
Fundraising  
Reverse NYT v Sullivan

/2

1 4 61

**Devin Nunes' Lawsuits** @LawsuitsDevin · Jun 11  
Don't know what state he's suing you in or if he's hopscotching through different federal district courts but if your state has law that's your starting move.

Messages

## Relevant people

**Jim Stewartson, ...**  
@jimstewartson  
Emmy-winning crea  
being sued by Q aka  
@RadicalizedPod cc  
toad.social/@jimste  
@jimstewartson

**Devin Nunes' Laws**  
@LawsuitsDevin  
Parody account; law  
without legal assist  
in E Dist of VA.  
#WhoFundsDevinsL  
Counter Social!

**Sigal Chattah**  
@Chattah4Nevada

Based mama  
American raised Lav  
Warrior LLC  
Committeewoman.

## What's happening

Esports · LIVE

**OWL Grand Finals 2023**

Trending with #OWLGrandFinal  
#OWL2023

**#TheCreator**

See it TONIGHT, only in the  
Promoted by The Creator

Trending in United States

**Sigal Chattah**  
@Chattah4Nevada

Messages





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Bookmarks



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Communities



Verified Orgs



Profile



More

Post

He's got quite the reputation. And Kashyap (always tried this before. /3

1



1

**Devin Nunes' Lawsuits** @LawsuitsDevin · Jun 1

I suspect he's going after you figuring you don't have CNN does. He sued them for \$50M in 2020 and Politico March. Oh and he sued Politico in 2019 as well. And dismissed. I assume new one still active

Hope this helps. /end

1



2

**Jim Stewartson, Anti-disinfo activist** @jimstewartson · Jun 1

I would have expected Biss, but I got two different Jesse Binnall in Florida...

**Jim Stewartson, Anti-disinfo activist** @jimstewartson · Jun 1

Garret O'Boyle is represented by the lawyer who Flynn, @jbinnall.  
Garret O'Boyle was paid to lie to Congress by Kashyap on Monday for \$10 million.

This is Garret O'Boyle. 📌

This movie is so stupid, [twitter.com/HouseJudiciary...](https://twitter.com/HouseJudiciary...)

1



3

155



**Jim Stewartson, Anti-disinfo activist** @jimstewartson · Jun 1

@jimstewartson

And @Chattah4Nevada...

**Jim Stewartson, Anti-disinfo activist** @jimstewartson · Jun 6

Replying to @jimstewartson

This is Kash Patel's lawyer. Holy shit.  
She ran and lost for Nevada Attorney General.  
How can this possibly get dumber?  
[hrc.org/press-releases...](https://hrc.org/press-releases...)

# EXHIBIT 2

November 1, 2022<sup>1</sup>



April 6, 2023<sup>2</sup>



~~~~~Jim Stewartson served at his home May 8, 2023~~~~~  
~~~~~Jim Stewartson supposedly moved as of June 19, 2023~~~~~

July 3, 2023<sup>3</sup>



August 7, 2023<sup>4</sup>



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<sup>1</sup> Jim Stewartson, *Message for Yoel, Remi and Elon*, VIMEO, 00:03 (Nov. 1, 2022), <https://vimeo.com/766223403>.

<sup>2</sup> Radicalized: The Truth Survives Podcast, *Cyberwar Inoculation with Special Guest Jackie Singh*, YOUTUBE, 01:48 (Apr. 6, 2023), <https://www.youtube.com/watch?v=1felI0CiO88>.

<sup>3</sup> Philip Ittner, *Ukraine Interview: Jim Stewartson*, YOUTUBE, 06:35 (Jul. 3, 2023), <https://www.youtube.com/watch?v=iNV-ue2Rh-0>.

<sup>4</sup> Radicalized: The Truth Survives Podcast, *The World's on Fire with Wesley Clark, Jr.*, YOUTUBE, 03:58 (Aug. 7, 2023), <https://www.youtube.com/watch?v=zMr3Z0RqNz8>

# EXHIBIT 3

**Michael T. Flynn, an individual**

**Plaintiff**

**Case No.: 2023 CA 004264 NC**

**vs.**

**Jim Stewartson**

**Defendant**

**AFFIDAVIT OF SERVICE**

I, Carlos Canas, a Private Process Server, being duly sworn, depose and say:

That I am over the age of eighteen years and not a party to or otherwise interested in this matter.

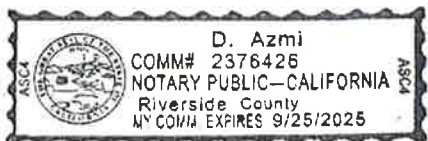
That I have been duly authorized to make service of the Summons, Civil Cover Sheet, and Complaint in the above entitled case.

That on 05/08/2023 at 12:46 PM, I personally served Jim Stewartson with the Summons, Civil Cover Sheet, and Complaint at 1526 Steinhart Avenue, Redondo Beach, California 90278.

Jim Stewartson is described herein as:

Gender: Male Race/Skin: White Age: 50+ Weight: 180+ Height: 6'0" Hair: Black/Gray Glasses: No

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.



Sworn to before me on 05/11/2023

A handwritten signature in blue ink, appearing to read 'D. Azmi', written over a horizontal line.

D. Azmi  
Notary Public  
My Commission Expires: 09/25/2025

A handwritten signature in blue ink, appearing to read 'Carlos Canas', written over a horizontal line.  
Carlos Canas

Client Ref Number: 00427  
Job #: 1618196

IN AND FOR SARASOTA COUNTY, FLORIDA

Michael T. Flynn, an individual

Plaintiff

Case No.: 2023 CA 004264 NC

vs.

Jim Stewartson

Defendant

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

I, Rebecca E. Short, a Private Process Server, being duly sworn, depose and say, I have been duly authorized to make service of the documents listed herein in the above entitled case, I am over the age of eighteen years and am not a party to or otherwise interested in this matter.

That I am the Custodian of Records for Capitol Process Services, Inc.

DOCUMENT(S): Circuit Civil Case Management Order and Order Setting Initial Case Management Hearing (for General Track cases) and Case Management Report

SERVE TO: Jim Stewartson

SERVICE ADDRESS: 1526 Steinhart Avenue, Redondo Beach, California 90278

METHOD OF SERVICE: Service was completed by mailing a copy of the documents listed herein to Jim Stewartson, 1526 Steinhart Avenue, Redondo Beach, California 90278 on 05/12/2023 via United States Postal Service, Certified Mail, Return Receipt Requested. Article Number: 7022 2410 0000 9528 8848.

That in addition to the service noted above, the following attempts were made at personal service:

That on May 11, 2023 at 6:55 PM, my agent, Carlos Canas attempted to serve Jim Stewartson at 1526 Steinhart Avenue, Redondo Beach, California 90278. On this occasion, Mr. Canas received no answer after knocking on the door, although he stated he could see people inside the residence via the second story window.

That on May 12, 2023 at 7:01 AM, my agent, Carlos Canas attempted to serve Jim Stewartson at 1526 Steinhart Avenue, Redondo Beach, California 90278. On this occasion, although Mr. Canas stated that like before, he could hear people inside the residence, he received no answer at the door.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Sworn to before me on

05/12/2023

Angela H. Crosson

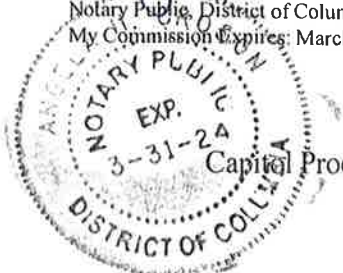
Angela H. Crosson  
Notary Public, District of Columbia  
My Commission Expires: March 31, 2024



Rebecca E. Short

*[Signature of Rebecca E. Short]*

Client Ref Number: 00427  
Job #: 1618355



# EXHIBIT 4



9/8/23, 2:14 PM

USPS.com® - USPS Tracking® Results

**USPS Tracking®**[FAQs >](#)

Tracking Number:

[Remove X](#)**70221670000208059788**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)**Latest Update**

Your item was delivered to an individual at the address at 5:04 pm on August 21, 2023 in REDONDO BEACH, CA 90278.

**Get More Out of USPS Tracking:****USPS Tracking Plus®****Delivered****Delivered, Left with Individual**

REDONDO BEACH, CA 90278

August 21, 2023, 5:04 pm

**Departed USPS Regional Destination Facility**

LOS ANGELES CA DISTRIBUTION CENTER

August 20, 2023, 2:09 pm

**Arrived at USPS Regional Destination Facility**

LOS ANGELES CA DISTRIBUTION CENTER

August 19, 2023, 12:05 pm

**In Transit to Next Facility**

August 18, 2023

**Departed USPS Regional Origin Facility**

MERRIFIELD VA DISTRIBUTION CENTER

August 15, 2023, 11:12 pm

**Arrived at USPS Regional Origin Facility**

MERRIFIELD VA DISTRIBUTION CENTER

August 15, 2023, 8:54 pm

**USPS in possession of item**

ALEXANDRIA, VA 22320

August 15, 2023, 3:17 pm

[Hide Tracking History](#)[Feedback](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)**Text & Email Updates**

# EXHIBIT 5

9/19/23, 10:01 AM

Binnall Law Group Mail - Patel v. Stewartson - service on your client



Jason Greaves &lt;jason@binnall.com&gt;

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**Patel v. Stewartson - service on your client**

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**Jason Greaves** <jason@binnall.com>

Thu, Sep 14, 2023 at 11:07 AM

To: craig@rwrlawfirm.com, grahdert@rahdertlaw.com, gthurlow@rahdertlaw.com, tmccreary@rahdertlaw.com

Cc: Sigal Chattah &lt;chattahlaw@gmail.com&gt;, Shawnay &lt;shawnay@binnall.com&gt;

Hi Craig and George,

I represent Kash Patel in a lawsuit that he has filed in Nevada against your client, Jim Stewartson. We have attempted to serve Mr. Stewartson at his home, but he appears to be intentionally evading service. We also mailed him a request for waiver of service and have received no response. Mr. Stewartson is aware of this lawsuit as he has tweeted about it repeatedly, including screenshots of pleadings. This will obviously not go over well for him with the judge in that case when we have to request relief for extensions or alternative means of service.

I realize that you do not represent him in that case, but before we take additional steps to serve Jim (at his expense), I wanted to reach out to you guys and give him another opportunity to accept service. Attached is a copy of the complaint and the request for waiver of service that was mailed to him. Please let me know if you have authority to accept service.

Best regards,

**Jason Greaves****Partner** | Binnall Law Group

717 King Street | Suite 200 | Alexandria, VA 22314

(571) 467-0003 (direct)

(703) 888-1943 (office)

[jason@binnall.com](mailto:jason@binnall.com)

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**4 attachments****#002 Civil Cover Sheet.pdf**

132K

**#005 Summons.pdf**

73K

**#008 Complaint.pdf**

1386K

**Notice of a Lawsuit and Request to Waive Service of a Summons.pdf**

257K